

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	
BELL TELEPHONE COMPANY'S PROPOSED)	CASE NO. 93-364
CONTRACT FOR AUTOMATIC CALL DISTRIBUTION))	
FEATURE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell"), filed September 29, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information associated with South Central Bell's proposed contract with the City of Louisville for Automatic Call Distribution service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has entered into a special assembly contract with the City of Louisville to provide Automatic Call Distribution service. This service allows a supervisor to view the line status of agents in the group from an electronic set and is a feature of South Central Bell's ESSX[®] service. In support of its application, South Central Bell has provided cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central

Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

While the petition identifies competitors for this service as providers of PBX equipment, it does not demonstrate how such competitors could use such information to gain an unfair business advantage. Even though the petition alleges that competitors could use this information to adversely affect the market revenue potential and competitive position of the service, it does not state how the information could be used to this effect. Therefore,

the petition to protect the information as confidential cannot be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

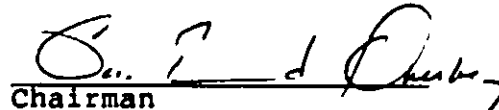
1. The petition to protect the cost information associated with South Central Bell's proposed contract with the City of Louisville for Automatic Call Distribution service be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order to allow South Central Bell an opportunity to file an amended petition.

3. If at the expiration of the 20-day period an amended petition has not been filed, the information sought to be protected shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 10th day of November, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner